

1988-1013-011-010

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Linda Turkington

110 Candlewood Drive

South Windsor, CT 06074

CT. LPN License # 020747

Linda Turkington

c/o C. R. Pillard

16 Lodge Drive

Manchester, CT 06040

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges dated November 15, 1988.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated November 16, 1988. The hearing took place on November 29, 1988 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FINDINGS OF FACT

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Linda P. Turkington, hereinafter referred to as Respondent, was issued Connecticut Licensed Practical Nurse license number ~~020747~~ on May 30, 1984.

2. Pursuant to Connecticut General Statutes, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license.

3. The Respondent was aware of the time and location of the hearing. Notice of the location and time of this hearing were delivered by certified mail to the Respondent's residence. (See Department Exhibit 1).

4. The Respondent, during September, 1988, and prior thereto, worked in the capacity of licensed practical nurse at the Alcohol Detoxification Rehabilitation Center, hereinafter referred to as "ADRC", in Hartford, Connecticut.

5. The Respondent, while working as a licensed practical nurse at ADRC, on or about September 20, 1988, reported to work under the influence of the following drugs: Codeine, Cocaine, Barbituates and Oxazepam.

6. On July 1, 1986, a Consent Order became effective suspending the Respondent's license, and concurrently placing the Respondent on probation for three years. The suspension was stayed on January 1, 1987.

7. On April 1, 1988, a Consent Order became effective placing the Respondent on probation with conditions, one of which was as follows: "3.A(3) She shall not obtain or use any drugs or alcohol that have not been prescribed for her for a legitimate purpose by a licensed health care practitioner." (Department Exhibit 1, p. 9).

8. On September 20, 1988, the Respondent, after being observed as impaired by her employer, was requested to provide a urine sample.

9. The results of the Respondent's September 20, 1988 urinalysis showed positive for Cocaine, Codeine, Barbituates and Oxazepam.

10. During the Fall of 1988 the Respondent used the controlled substance Heroin.

DISCUSSION AND CONCLUSIONS

The First Count, Subsection 3, alleges that while employed as a licensed practical nurse at the Alcohol Detoxification Rehabilitation Center on or about September 20, 1988, the Respondent reported to work as nurse under the influence of Codeine, Cocaine,

Barbituates and Oxazepam. The Respondent was not present or represented by counsel at the hearing to either admit or deny this charge.

The Board refers to Department Exhibit 2 in which the Respondent, while on duty as a nurse at ADRC, was observed having great difficulty staying awake during a shift report. In a letter written by Kenneth J. Talge, Executive Director of ADRC, Talge documents that on September 20, 1988, the Respondent was requested to provide her employer with a urine sample for testing. On September 21, 1988, ADRC received a preliminary report from Keverly Laboratories which confirmed positive tests for use of Cocaine, Opiates, Benzodiazepines, and Barbituates. (Department Exhibit 2 p. 1).

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(2) and (5), which include "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...;(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." The Board concludes that Respondent has violated Connecticut General Statutes Section 20-99(b)(2) and (5) as specified in the First Count, Subsection 3.

The Second Count, Subsection 3, alleges that the Respondent, during the Fall of 1988 used the controlled substance Heroin and thus violated a condition of probation. The Respondent was not present or represented by counsel at the hearing to either admit or deny this charge.

The Board refers to Department Exhibit 2 in which it is reported that on September 5, 1988 the Respondent met with the Director of Nursing of ADRC and "...readily admitted to recently using Heroin." (Department Exhibit 2, p. 2).

The Board refers to the Respondent's Consent Order dated March 16, 1988, effective April 1, 1988, in which conditions of probation were placed on the Respondent's license. Specifically, Section 3.A(3) states: "3.A(3) She shall not obtain or use any drugs or alcohol that have not been prescribed for her for a legitimate purpose by a licensed health care practitioner." (Department Exhibit 1, p. 9). Further, Section 7 of the Respondent's Consent Order specifically states: "7. That any deviation from the term(s) of probation shall constitute a violation of probation." (Department Exhibit 1, p. 11).

The Board determines from the facts presented before it, that the Respondent has violated section 3.A.(3) of her Consent Order. Such conduct also is a violation of Section 20-99(b)(2), (4), and (5), which include "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions...; (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." The Board concludes that the Respondent has violated Connecticut General Statutes Section 20-99(b)(2), (4), and (5) as specified in the Second Count, Subsection 3.

ORDER

It is the unanimous decision of those members of the Board of Examiners for Nursing who were present and voting that:

1. For each of the Counts the license of the Respondent be ~~revoked.~~
2. This revocation shall commence on April 1, 1989.
3. The Respondent, Linda Turkington, is hereby directed to surrender her license and current registration to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut 06106, on or about April 1, 1989.

The Board of Examiners for Nursing hereby informs the Respondent and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford , Connecticut, this 8th day of March , 1989.

BOARD OF EXAMINERS FOR NURSING

By Louise Jane M. Murphy RN